

**REMARKS**

Reconsideration and allowance of the claims in the application are requested.

Claims 1-3, 5-13 and 15-20 have been rejected under 35 U.S.C. § 103(a) as unpatentable over Sistanizadeh, of record and in further view of USP 6,577,627 to R. J. Driscoll et al., issued June 10, 2003, filed June 29, 1999 (Driscoll).

Before responding to the rejections, applicants would like to distinguish Driscoll from the present invention (Allard) and further comment on the differences with respect to Sistanizadeh, as follows:

1. Driscoll discloses a method for a user in an Internet Protocol (IP) packet switch network to select a virtual connection with a selected one in a plurality of Internet Service Providers. In sending a message, the user pre-pends the access network address and the ultimate source address of the Internet Service Providers (ISP) to each data packet. The selected Internet Service Providers removes the pre-pended address from each message packet prior to sending the packet on to the selected Internet IP address. In the reverse direction, the ISP has the user address the ISP address in the header of a message. The user terminal removes the ISP address before treating the remainder of the packets in a normal way. Driscoll fails to disclose elements of Allard, as follows:

A. Driscoll removes the pre-pended address in the message header by the receiving terminal (ISP or user, as the case may be). In contrast, Allard preserves the sending and ISP addresses to enable the ISP to provide an IP address through the BMPS server and to enable the BMPS server to emulate the ISP in sending a standard DHCP reply to the sender. Driscoll fails to disclose preserving sending and receiving addresses in DHCP messaging.

B. Driscoll discloses a pre-pended header that changes from ISP to ISP. In contrast, Allard preserves an ISP address, which is used by other ISPs to forward the message to the selected ISP. Driscoll fails to preserve the selected ISP address in the packet transitioning to the selected ISP.

Sistanizadeh fails to disclose elements of Allard as follows:

A. Sistanizadeh discloses broadband IP protocol for a DHCP/DNS server in processing user requests as shown in Figure 8B. The DHCP/DNS servers are not programmed to perform certain function of the BMPS, as described in Figures 5A-5C. The ISP server in Figure 8B does not update the routing tables as described in Figure 5C at step 549. Nor does the DHCP/DNS server receive an IP address from the ISP as described in step 547. Further, the DCHP/DNS server does not emulate the ISP as described in step 553 of Figure 5C. There are other functions performed by the BMPS, not performed by the DCHP/DNS server for example, step 563 and 565 of Figure 5C. Moreover, the DCHP/DNS server performs all routing functions whereas the routing functions in Allard are performed by the selected ISP serving as a proxy for the BMPS.

B. The DCHP/DNS server assigns a customer an IP address from a pool of available address. In contrast, Allard discloses the ISP assigning the customer an IP address.

Summarizing, Sistanizadeh and Driscoll, alone or in combination, disclose standard DHCP/DNS protocol and message formats modified by Driscoll to add and remove pre-pended addresses in message sessions. Sistanizeadeh and Driscoll fail to disclose (a) a BMPS server whose functions are proxied by an ISP which assigns IP addresses, (b) the ISP updating the routing tables of the BMPS, (c) the BMPS emulates the ISP in providing the customer with a

reply DHCP message, and (d) preserves the sending and receiving addresses while establishing a message session.

Without a disclosure in Sistanizadeh and Driscoll relating to a BMPS serving as a proxy to enable an ISP to perform services for the BMPS in routing, assigning an IP address and updating routing tables to enable a user to deal directly with in ISP of choice, there is no basis for a worker skilled in the art to implement claims 1-3, 5-13 and 15-20, The rejection of claims 1 –3, 5 – 13 and 15 – 20 under 35 U.S.C §103(a) fails for lack of support in the references.

Withdrawal of the rejection and allowance of claims 1-3, 5-13 and 15-20 are requested.

Now turning to the rejections, Applicant responds to the indicated paragraphs of the office action as follows:

**REGARDING PARAGRAPH 1:**

Applicants note the entrance of amendment B.

**REGARDING PARAGRAPHS 2, 3 & 4:**

Claims 1-3, 5-13 and 15-20 include elements not disclosed suggested or taught in the Sistanizadeh in view of Driscoll, as follows:

A.      Claim 1:

(i)      “At least one customer coupled to the network via a broadband multiservice proxy server (BMPS) including both a database and a router;”

Sistanizadeh discloses a combined DHCP/DNS server arrangement interacting to connect a PC client to an ISP server. In contrast, Allard discloses a BMPS programmed to serve as a

proxy for an ISP in registering a PC client or customer for service. Sistanizadeh fails to disclose a DHCP/DNS server interacting with an ISP, as a proxy to register a customer.

(ii) “means for generating a DHCP message including an extended portion identifying the selected ISP in a customer request for all IP services with the BMPS serving as a proxy for the selected Internet Services Provider (ISP) serving ;

Sistanizadeh fails to disclose a DHCP message including an extended portion. Driscoll does not supply the missing element in Sistanizadeh. Driscoll discloses a packet header including a pre-pended portion, which is removed by an ISP enabling the message to be forwarded to a second ISP. Allard retains the sending and receiving address in the message in order to enable a BMPS to provide the sender with an ISP reply. Applicants can find no disclosure in the cited reference relating to the BMPS serving as a proxy for the ISP. Sistanizadeh and Driscoll fail to disclose the extended DHCP message format and the BMPS serving as a proxy for the ISP.

(iii) “means for receiving and routing the customer request and extended DHCP request to the selected ISP for providing a customer IP address and all IP services to the customer after updating routing tables in the router by the ISP;”

Sistanizadeh discloses a DHCP/DNS server provides the user with an IP address. See the “DNS reply” message in Figure 8B. In contrast, Allard discloses the ISP assigns the customer unique IP address. See page 12, lines 14-15. Sistanizadeh fails to disclose the ISP assigning a unique customer IP address.

(iv) "means for directing future customer requests for and responses from all IP services directly to the selected ISP or any internet service based on the updated routing tables."

Sistanizadeh discloses future user requests are directed to the DHCP/DNS servers for processing. In contrast, Allard discloses the BMPS server allows future customer messages with an authenticated address to transfer the message to a selected ISP. See page 9, lines 20-22. Sistanizadeh, fails to disclose future customer messages traveling directly to the ISP and the BMPS serving as a proxy for the ISP.

Sistanizadeh and Driscoll, alone or in combination fail to disclose a broadband multi service proxy server interacting with an internet service provider in registering a customer using the internet service. Sistanizadeh discloses the DHCP/DNS server registers a customer for internet service. The cited references also fail to disclose an ISP assigning an IP address to a customer; a BMPS serving as a proxy for the ISP and the customer sending future customer requests directly to the selected ISP and receiving responses from the selected ISP.

Without a disclosure of the foregoing described elements, there is no basis for a worker skilled in the art to implement claim 1. The rejection of claim 1 under 35 U.S.C. § 103(a) fails for lack of support in the references. Withdrawal of the rejection and allowance of claim 1 are requested.

## **REGARDING PARAGRAPHS 5**

B. Claim 2:

(i) "ISP means for generating the unique customer IP addresses as part of the DHCP request."

As discussed in connection with the consideration of claim 1, the DHCP/DNS server generates a customer IP address whereas the customer unique IP address is generated by the ISP.

Claim 2 discloses elements not shown or suggested in Sistanizadeh and provides no basis for a worker skilled in the art to implement claim 2. Withdrawal of the rejection and allowance of claim 2 are requested. In any case, claim 2 further limits claim 1 and is patentable on the same basis thereof.

**REGARDING PARAGRAPH 6:**

A. Claim 3 further limits claim 1 and is patentable on the same basis thereof.

**REGARDING PARAGRAPH 7**

A. Claims 5:

Claim 5 further limits claim 1 and is patentable on the same basis thereof.

**REGARDING PARAGRAPH 8**

A. Claims 6 and 13 include elements not disclosed in Sistanizadeh and Driscoll, as follows:

(i) “means coupling the server and the router to an IP network by one at least one internet service provider(s) (ISP), the server providing proxy services for the ISP;”

Sistanizadeh and Driscoll provide all services to a customer in registering with the internet. In contrast, Allard discloses the ISP providing registration services, and the server

providing proxy services for the ISP . Sistanizadeh and Driscoll fail to disclose the server providing proxy services for the ISP.

(ii) "ISP means for sending the server a unique customer IP address in response to the extended DHCP message;"

Neither Sistanizadeh nor Driscoll disclose an ISP assigning an IP address to a customer, as discussed in connection with the consideration of claim 1.

(iii) "means for directing future customer requests for and responses from IP services directly to the selected ISP or any selected internet service, after updating routing tables in the router.

Sistanizadeh and Driscoll disclose customer requests processed by the DHCP/DNS server. In contrast, Allard discloses the ISP processing customer requests for IP services.

Summarizing, claims 6 and 13 disclose elements not shown or suggested in Sistanizadeh in view of Driscoll. The cited reference failed to disclose (a) aBMPs server providing proxy registration services for an ISP; (b) a ISP assigning an IP address for a customer, and (c) a customer sending requests directly to the ISP for access to the internet. Without a disclosure of the previously described elements in Sistanizadeh and Driscoll, there is no basis under 335 U.S.C. § 103(a) for rejection of claims 6 and 13. Withdrawal of the rejection and allowance of claims 6 and 13 are requested.

**REGARDING PARAGRAPH 9**

## A. Claim 7:

Claim 7 further limits claim 6 and is patentable on the same basis thereof.

Withdrawal of the rejection and allowance of claim 7 are requested.

**REGARDING PARAGRAPH 10:**

## A. Claim 8:

Claim 8 further limits claim 6 and is patentable on the same basis thereof.

Withdrawal of the rejection and allowance of claim 8 are requested.

**REGARDING PARAGRAPH 11:**

## A. Claim 9:

Claim 9 further limits claim 6 and is patentable on the same basis thereof.

Withdrawal of the rejection and allowance of claim 9 are requested.

**REGARDING PARAGRAPH 12:**

## A. Claim 10.

(i) “ISP means for sending the server an extended DHCP response and customer assigned IP address for customer requests validated by the ISP.”

Sistanizadeh and Driscoll, disclose the DHCP/DNS server interacts with the customer. Applicants can find no disclosure in Sistanizadeh and Driscoll, relating to the ISP

sending the sever an extended DHCP response and customer assigned IP address for customer requests validated by the ISP. Without a disclosure in Sistanizadeh and Driscoll relating to the ISP interacting with the server for validating the customer, there is no basis for the rejection of claim 10 under 35 U.S.C. § 103(a). Withdrawal of the rejection and allowance of claim 10 are requested.

### **REGARDING PARAGRAPH 13**

A. Claim 11:

- (i) “server means emulating the ISP and sending the customer a DHCP response to the customer request.”

Sistanizadeh and Driscoll disclose the DHCP/DNS server connecting with the customer requests. Applicant can find no disclosure in Sistanizadeh and Driscoll relating to a server emulating the ISP and sending the customer a response to the customer request.

Withdrawal of the rejection and allowance of claim 11 are requested.

### **REGARDING PARAGRAPH 14**

A. Claim 12:

- (i) “means for validating a customer request for access to the IP network at the ISP of the customer’s choice.”

Applicant can find no disclosure in Sistanizadeh and Driscoll relating to an ISP validating a customer request for access to the IP network.

Withdrawal of the rejection and allowance of claim 12 are requested.

**REGARDING PARAGRAPH 15**

A. Claim 15:

- (i) “emulating the ISP by the server means and sending a DHCP reply to the customer followed by updating the switching means to allow the customer to access the ISP of choice.”

Sistanizadeh at col. 13, lines 12-27 describes the user selecting a different Internet Service Provider by initiating a DHCP release action which triggers a DNS update and commences a new DHCP request. The DHCP/DNS server interacts with the user to select a new ISP. In contrast, Allard discloses a BMPS interacts with the ISP to allow the customer to access the ISP of choice.

Applicant can find no disclosure in Driscoll relating to the DHCP/DNS server emulating the ISP to allow the customer to access an ISP of choice.

Sistanizadeh and Driscoll both fail to disclose elements of claim 15, as described above. Withdrawal of the rejection and allowance of claim 15 are requested

**REGARDING PARAGRAPH 16:**

A. Claim 16:

- (i) “checking the extended DHCP message by the ISP to determine if the customer is approved to receive IP services.”

Sistanizadeh at col. 13, line 36-56 discloses a procedure if a user desires to use a different Internet Service Provider. The procedure is executed by the DHCP/DNS servers. In contrast, applicants disclose the ISP determines if the customer is approved for IP services.

Withdrawal of the rejection and allowance of claim 16 are requested.

### **REGARDING PARAGRAPH 17**

A. Claim 17:

(i) “notifying the server when the ISP determines the customer is not approved to receive IP services.”

Sistanizadeh at col. 11, lines 18-39 discloses the DHCP/DNS server engages in an exchange with the customer computer and the server is provided with a relational database incorporating a billing capability. When an IP address is released tolling of a charge ceases with a time-based stamping. Applicants can find no disclosure in Sistanizadeh and Driscoll relating to the ISP notifying the server when the customer is not approved to receive IP services.

Withdrawal of the rejection and allowance of claim 17 are requested.

### **REGARDING PARAGRAPH 18**

A. Claim 18:

(i) “sending the sever a customer ID and password for customers registered by the ISP.”

Sistanizadeh at col. 10, lines 15-24, describes a DHCP/DNS server prompting a customer to provide a login and password mechanism. In contrast, Allard discloses the ISP send the server a customer ID and password for the customer.

Withdrawal of the rejection and allowance of claim 18 are requested.

### **REGARDING PARAGRAPH 19**

A. Claim 19:

(i) “sending the server an extended DHCP response and customer assigned IP address for customer requests validated by the ISP.”

Sistanizadeh at col. 11, lines 18-39 discloses that the DHCP/DNS server engaging in an exchange with the customer for tolling purposes as discussed in connection with the consideration of claim 17. Applicants can find no disclosure in Sistanizadeh and Driscoll relating to the ISP sending the server a response to the customer IP address. Withdrawal of the rejection and allowance of claim 19 are requested.

### **REGARDING PARAGRAPH 20**

A. Claim 20:

“The method of claim 3 wherein the unique customer IP address expires upon customer logoff.”

Sistanizadeh discloses a unique customer address is provided as a MAC address. In contrast, Allard describes unique customer address an IP address, which expires upon customer logoff.

Withdrawal of the rejection and allowance of claim 20 are requested.

## **CONCLUSIONS**

Having amended the claims to clarify the invention relating to a BMPS serving as a proxy for ISP services and an ISP assigning an IP address to a customer, claims 1-3, 5-13 and 15-20 define subject matter not disclosed or suggested in the cited references. Applicants request entry of the amendment, allowance of the claims and passage of to issuance of the case.

## **AUTHORIZATION:**

The Commissioner is hereby authorized to charge any additional fees which may be required for the timely consideration of this amendment under 37 C.F.R. §§ 1.16 and 1.17, or credit any overpayment to Deposit Account No. 13-4503, Order No. 1963-7353 (BC999046).

Respectfully submitted,  
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